

(b) An ALJ's jurisdiction ends after the recommended findings are filed with the Commandant (G–M) or immediately after the ALJ issues a notice of withdrawal from the proceeding.

**§ 148.236 What authority does an administrative law judge have?**

When assigned to a formal hearing, an ALJ may:

- (a) Administer oaths and affirmations;
- (b) Issue subpoenas;
- (c) Issue rules of procedure for written evidence;
- (d) Rule on offers of proof and receive evidence;
- (e) Examine witnesses;
- (f) Rule on motions of the parties;
- (g) Suspend or bar an attorney from representing a person in the proceeding for unsuitable conduct;
- (h) Exclude any person for disruptive behavior during the hearing;
- (i) Set the hearing schedule;
- (j) Certify questions to the Commandant (G–M);
- (k) Proceed with a scheduled session of the hearing in the absence of a party who has failed to appear;
- (l) Extend or shorten a non-statutorily imposed deadline under this subpart within the 240 day time limit for the completion of public hearings in 33 U.S.C. 1504(g);
- (m) Set deadlines not specified in this subpart or the Act; and
- (n) Take any other action authorized by or consistent with this subpart, the Act, or 5 U.S.C. 551–559.

**§ 148.238 Who are the parties to a formal hearing?**

The parties to a formal hearing are:

- (a) The applicant;
- (b) The Commandant (G–M); and
- (c) Any person intervening in the proceedings.

**§ 148.240 How does a State or a person intervene in a formal hearing?**

- (a) Any person or adjacent coastal State may intervene in a formal hearing.
- (b) A person must file a petition of intervention within 10 days after notice of the formal hearing is issued. The petition must:

- (1) Be addressed to the ALJ Docketing Center;

- (2) Identify the issues and the petitioner's interest in those issues; and

- (3) Designate the name and address of a person who can be served if the petition is granted.

- (c) An adjacent coastal State need only file a notice of intervention with the ALJ Docketing Center.

- (d) The ALJ has the authority to limit the scope and period of intervention during the proceeding.

- (e) If the ALJ denies a petition of intervention, the petitioner may file a notice of appeal with the ALJ Docketing Center within 7 days of the denial. A brief may be submitted with the notice of appeal. Parties who wish to file a brief in support of or against the notice of appeal may do so within 7 days of the filing of the notice.

- (f) The Commandant (G–M) will rule on the appeal. The ALJ does not have to delay the proceedings for intervention appeals.

**§ 148.242 How does a person who is not a party to a formal hearing present evidence at the hearing?**

- (a) For a person who is not a party to a formal hearing to present evidence at the hearing, the person must send a petition to present evidence to the ALJ Docketing Center before the beginning of the formal hearing. The petition must describe the evidence that the person will present and show its relevance to the issues listed in the notice of formal hearing.

- (b) If a petition is granted, the ruling will specify which evidence is approved to be presented at the hearing.

**§ 148.244 Who must represent the parties at a formal hearing?**

- (a) All organizations that are parties to the proceeding must be represented by an attorney. Individuals may represent themselves.

- (b) Any attorney representing a party to the proceeding must file a notice of appearance according to § 20.301(b) of this chapter.

- (c) Each attorney must be in good standing and licensed to practice before a court of the United States or the highest court of any State, territory, or possession of the United States.